| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/643,516 | 08/19/2003 | J. David Payne | 57442/03-533 | 4504 |

22206          7590          05/22/2007
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|---|
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| ART UNIT | PAPER NUMBER |
|---|---|
| 2151 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 05/22/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/643,516 | PAYNE, J. DAVID |
| | Examiner | Art Unit | |
| | Nghi V. Tran | 2151 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on <u>08 May 2007</u>.

2a) ☒ This action is **FINAL**.　　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) <u>1-11</u> is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-11</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some *　c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.      This office action is in response to the amendment filed on May 08, 2007.

Claims 1 have been amended.  No claims have been canceled.  Therefore, claims 1-11

are presented for further examination.

### *Claim Rejections - 35 USC § 102*

2.      The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.      Claims 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski

et al., U.S. Patent Application Publication No. 2003.0198934 (hereinafter Sendowski).

4.      With respect to claim 7, Sendowski teaches a method for collecting survey data

from a user [see abstract] comprising:

(a) designing a questionnaire [i.e. survey] having branching logic [i.e. branch

script object, **124**] on a first computer platform [i.e. web server, **121**] [paragraphs 0023-

0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely

networked computer [i.e. automatically generate an HTML question page or question

form, paragraphs 0024-0031];

(c) executing said transferred questionnaire on said loosely networked computer,

thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to

a central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in

step (d) [fig.1].

### *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.      Claims 1, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lew et al., U.S. Patent Application Publication No. 2004/0210472 (hereinafter

Lew), in view of Porter, United States Patent Number 6,163,811 (hereinafter Porter).

7.      With respect to claims 1 and 9, Lew teaches a method for managing data [see

abstract] including the steps of:

(a) creating a questionnaire [i.e. survey] comprising a series of questions [paragraphs 0005-0009];

(b) tokenizing said questionnaire [i.e. encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

(c) transmitting said plurality of tokens to a remote computing device [i.e. the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [i.e. feedback] from a user [i.e. feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [i.e. a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [i.e. all feedback is transmitted to the central facility, **S6100** of fig.2 and paragraph 0048].

However, Lew does not explicitly show tokenizing said questionnaire for reducing bandwidth requirements.

In a managing data method, Porter suggests tokenizing said questionnaire for reducing bandwidth requirements [i.e. tokenized form, generated from an original form, thereby reducing transmission bandwidth bandwidth requirement on communication medium **180**, see figs.1a-c and its decryptions].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Lew in view of Porter by tokenizing said

questionnaire for reducing bandwidth requirements because this feature is using

compression techniques to distribute source files over a network while minimizing the

network bandwidth [Porter, see abstract]. It is for this reason that one of ordinary skill in

the art at the time of the invention would have been motivated in order to reduce

transmission bandwidth requirement [Porter, col.1, lns.65-67].


8.      With respect to claim 5, Lew further teaches wherein the transmission of said

tokens in step (c) occurs via the network of step (e) [fig.3].


9.      Claims 2-4, 6, and 10-11 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lew in view of Porter, as applied to claim 1 above, and further in view

of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter

Sendowski).


10.     With respect to claim 2, Lew does not explicitly show the step of: (g) translating

said response to a format recognizable by a particular computer program; and (h)

accessing the translated response from a computer executing said particular computer

program.

In a method for managing data, Sendowski suggests the step of: (g) translating

said response to a format recognizable [i.e. XML data structural] by a particular

computer program [i.e. branching script engine, paragraphs 0007-0008]; and (h)

accessing the translated response from a computer executing said particular computer

program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Lew in view of Porter, and further in view of

Sendowski by accessing a translated response to a format recognizable by a particular

computer program because this feature provides a framework of reusable software

object implementing the creation and execution of any question-answer branching

scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art

at the time of the invention would have been motivated in order to support thousands of

concurrent users when it is required [Sendowski, paragraph 0005].


11.     With respect to claim 3, Lew does not explicitly show wherein step (a) includes

the substeps of: (a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of

response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching

path in said questionnaire for each possible response to each question of said series of

questions.

In a method for managing data, Sendowski suggests wherein step (a) includes

the substeps of: (a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program
[paragraphs 0034-0054];

(ii) identifying within said questionnaire design computer program the type of
response allowed for each question of said series of questions [i.e. answer types,
paragraph 0019 and table 2]; and

(iii) identifying within said questionnaire design computer program a branching
path in said questionnaire for each possible response to each question of said series of
questions [paragraphs 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the
time of the invention was made to modify Lew in view of Porter, and further in view of
Sendowski by identifying within said questionnaire design computer program a
branching path in said questionnaire for each possible response to each question of
said series of questions because this feature provides a framework of reusable software
object implementing the creation and execution of any question-answer branching
scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art
at the time of the invention would have been motivated in order to support thousands of
concurrent users when it is required [Sendowski, paragraph 0005].

12.     With respect to claim 4, Lew does not explicitly show (i) assigning at least one
token to each question of said series of questions; (ii) assigning at least one token to
each response called for in said series of questions to identify the type of response

required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

In a method for managing data, Sendowski suggests (i) assigning at least one token to each question of said series of questions [i.e. a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [i.e. allows the answer to be collected into a name token, paragraph 0020]; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Porter, and further in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

13.    With respect to claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [i.e. survey] at a first site [i.e. modulator **10**] in a first

computer [i.e. media conveyor **20**] located at a second site [paragraphs 0026-0029],

said first site and said second site being connected by a network [fig. 1];

(b) transmitting said question to a remote computer [i.e. remote responding

device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show modifying said questionnaire with

incremental changes at a third site in said first computer located at said second site;

and modifying said questionnaire in said remote computer with said incremental

changes.

In a method for managing data, Sendowski modifying said questionnaire with

incremental changes at a third site in said first computer located at said second site [i.e.

TSLastModified of table 2 and paragraph 0058]; and modifying said questionnaire in

said remote computer with said incremental changes [i.e. TSLastModified of table 2 and

paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Lew in view of Porter, and further in view of

Sendowski by modifying said questionnaire with incremental changes at a third site in

said first computer located at said second site; and modifying said questionnaire in said

remote computer with said incremental changes because this feature provides a

framework of reusable software object implementing the creation and execution of any

question-answer branching scripts [Sendowski, see abstract]. It is for this reason that

one of ordinary skill in the art at the time of the invention would have been motivated in

order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

14.    With respect to claim 10, Lew further teaches wherein said first site and said third site are the same [fig.1].

15.    With respect to claim 11, Lew further teaches wherein said third site is at said remote computer [fig.1].

16.    Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski), in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

17.    With respect to claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Sendowski in view of Joao by assessing a

charge for each transferred response received by said central computer because this

feature can receive compensation, a reward, a rebate, and/or an incentive [Joao,

paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of

the invention would have been motivated in order to facilitate commerce between any

parties and/or any number of parties [Joao, paragraph 0009].


## *Response to Arguments*

18.     Applicant's arguments filed February 24, 2006 have been fully considered but

they are not persuasive because of the following:  Sendowski teaches a method for

collecting survey data from a user [see abstract] comprising: (a) designing a

questionnaire [i.e. survey] having branching logic [i.e. branch script object, **124**] on a

first computer platform [i.e. web server, **121**] [paragraphs 0023-0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely

networked computer [i.e. automatically generate an HTML question page or question

form, paragraphs 0024-0031]; (c) executing said transferred questionnaire on said

loosely networked computer, thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to a

central computer [i.e. medical survey provider **120**] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in

step (d) [fig.1].

19.    In response to applicant's argument with respect to claim 7, Sendowski does not

discloses a loosely networked computer.  Examiner respectfully disagrees because

Sendowski suggests a loosely networked computer [i.e. Internet **101**].  Basically, the

term "loosely networked" is used to describe a networked computer system in the

applicant's disclosure [paragraph 0048].  "If the information may be transmitted in real

time or may be stored, or buffered, once a connection is restored" is one of the

embodiments of the applicant's disclosure, not a definition of the term "loosely

networked".


20.    Applicant's arguments with respect to claims 1-6 and 9-11 have been considered

but are moot in view of the new ground(s) of rejection.


### Conclusion

21.    **THIS ACTION IS MADE FINAL**.  See MPEP § 706.07(a).  Applicant is reminded

of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.


22.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


Nghi Tran
Patent Examiner                                 ZARNI MAUNG
Art Unit 2151                               SUPERVISORY PATENT EXAMINER

April 17, 2007

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